

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ELVIS DAVILA,
Defendant.

CRIMINAL NO. 18-1674 (M)

**UNITED STATES' MOTION REQUESTING CLARIFICATION REGARDING
DATE OF PRELIMINARY HEARING**

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorney, respectfully states and prays as follows:

1. On October 30, 2018, a criminal complaint was filed against the defendant, charging him with willfully making a threat, in violation of Title 18, United States Code, Section 844(e). (ECF No. 3).

2. The Initial Appearance was held on October 31, 2018, before The Honorable Silvia Carreno-Coll, United States Magistrate Judge, District of Puerto Rico. (ECF No. 7). The Court ordered the defendant temporarily detained and scheduled the Detention Hearing for November 5, 2018, and the Preliminary Hearing for November 14, 2018. (ECF No. 7).

3. On November 5, 2018, the case was called for a Detention Hearing. (ECF No. 13). The defendant, however, requested a continuance. The Court was inclined to grant the request. Based on the discussions regarding a proposed date, the parties understood that the new

date would encompass both the Detention and Preliminary Hearings, and that the November 14, 2018 hearing would be vacated. Consistent with this understanding, during the discussions, the Government mentioned the requirement under the Speedy Trial Act to file an indictment within 30 days of arrest. The minutes of the November 5, 2018 hearing - see (ECF No. 13) - do not reflect that the Preliminary Hearing was reset for November 28, 2018.

4. The Government e-mailed the defendant's attorney to confirm his understanding of the November 5, 2018 hearing. The attorney responded that he also understood that the Preliminary Hearing was to be reset for November 28, 2018.

5. Therefore, the Government request clarification on what date the Preliminary Hearing will held.

WHEREFORE, the United States of America respectfully requests that this Honorable Court take note of the aforementioned.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 9th day of November, 2018.

ROSA EMILIA RODRÍGUEZ-VÉLEZ
United States Attorney

s/José A. Contreras
José A. Contreras
Assistant United States Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties in this case.

s/José A. Contreras
José A. Contreras
Assistant United States Attorney